

BORRELLI & ASSOCIATES

P.L.L.C.

www.employmentlawyernewyork.com

655 Third Avenue
Suite 1821
New York, NY 10017
Tel. No. 212.679.5000
Fax No. 212.679.5005

1010 Northern Boulevard
Suite 328
Great Neck, NY 11021
Tel. No. 516.248.5550
Fax No. 516.248.6027

June 22, 2016

Via ECF

The Honorable Sandra J. Feuerstein
United States District Judge for the
Eastern District of New York
100 Federal Plaza
Central Islip, New York 11722

Re: *Greco, et al. v. Allen Natow M.D., Irene Rosenberg M.D. & Ira Pion M.D.,
P.C., et al. Civil Action No. 14-CV-4222 (SJF) (AYS)*

Dear Judge Feuerstein:

We represent the Plaintiffs in the above-referenced action brought under the Fair Labor Standards Act and New York Labor Law. We write to respectfully request that the Court direct the Clerk to enter judgment pursuant to Federal Rule of Civil Procedure 54(b) (“Rule 54(b)”) for Plaintiffs Dorothy Greco, Anabela F. Teixeira, Desiree Ortiz, and Yoscaira Ramirez.

As the Court knows, on March 31, 2016, the Court ordered Plaintiff Greco to show cause as to why the instant action should not be dismissed based on Plaintiff Greco’s prior acceptance of Defendants’ Offer of Judgment under Federal Rule of Civil Procedure 68 (“Rule 68”) (ECF No. 56). On April 28, 2016, the Court found that Plaintiff Greco’s prior acceptance of Defendants’ Rule 68 offer of judgment “remain[ed] a binding, enforceable agreement between the parties” and ordered Defendants to timely file the Notice of Acceptance with Offer of Judgment for Plaintiff Dorothy Greco (ECF No. 62). On May 6, 2016, Defendants filed a Notice of Acceptance with Offer of Judgment for Plaintiff Greco (ECF No. 63), as well as for Plaintiffs Anabela F. Teixeira (ECF No. 64), Desiree Ortiz (ECF No. 65), and Yoscaira Ramirez (ECF No. 66). To date, the Clerk of the Court has not entered judgment for the above Plaintiffs.

Pursuant to Rule 54(b), the “the court may direct entry of a final judgment as to one or more, but fewer than all, claims or parties only if the court expressly determines that there is no just reason for delay.” Here, the Court has already ruled that because Plaintiff Greco previously accepted Defendants’ offer of judgment that there is no just reason for delay in litigating Plaintiff Greco’s claims and directed the Defendants to file the Notice of Acceptance so that the Clerk can enter judgment. In light of the Court’s ruling on the finality of Plaintiff Greco’s acceptance of the Rule 68 offer, it is appropriate that the Court direct entry of same under Rule 54(b). The same reasoning applies with respect to Plaintiffs Teixeira, Ortiz, and Ramirez. Accordingly, Plaintiffs respectfully request that the Court direct the Clerk enter judgment so that these four Plaintiffs can receive payment. Lauren Montemarano and Ybelize Ramirez remain as plaintiffs, along with Plaintiff Jaklyn Ortiz, who recently consented to become a party to the action (ECF No 76). Defendants do not object to this motion.

We thank the Court for its time and consideration of this request.

Respectfully submitted,

/s/ Dong Phuong V. Nguyen

Dong Phuong V. Nguyen, Esq.

For the Firm

C: Counsel for Defendants via ECF